

Foundation Policy Statement

The Irving and Phyllis Millstein Foundation for Animal Welfare® was founded to both support and further the bonds and loving relationships existing between animals and humans, as well as to protect all animal life from cruelty, neglect and needless harm.

The Foundation defines itself as an *animal centered social philanthropy*, concerned with both animal care and human welfare. It is devoted to the conservation and protection of the natural environment, and supports public policies for the protection of animals.

The Foundation's most immediate purpose is to protect the animal-human bond, and to help organizations that support that relationship. The Foundation provides financial support for needed "service," "rescue," "therapy," and "comfort" animals; as well as financial support for the treatment of animals whose owners lack the resources necessary to provide adequate care. It also provides financial support for veterinary procedures for animals whose owners live in remote rural areas - as well as other practical and needed help for animals and their owners.

In addition to these immediate and current efforts, is the Foundation's underlying support of the long standing policies of the United States and like-minded countries, for the worldwide protection of animals and the environments in which they live.

An Animal Centered Public Policy

The Irving and Phyllis Millstein Foundation believes that the care, welfare and well-being of animals is of vital importance to humanity, whether the animals live in the wild, in captivity, or are domesticated. *This belief is in part based on the following:*

- a) Humans share the planet with animal and plant life. Protecting the environment in which all such living things exist is fundamental to the survival of *all* life. Humans must not only care for themselves but also respect and protect both flora and fauna.
- b) Animals can think, feel, and communicate, not only with members of their own species but with humankind, requiring a recognition that animals have the "right" to co-exist with humans.
- c) The recognition, on various social levels, of the deep connection between humans and animals, as has been said "The human-animal bond is a mutually beneficial and dynamic relationship between people and animals that is influenced by behaviors essential to the health and well-being of both. This includes, among other things, emotional, psychological, and physical interactions of people, animals and the environment."¹

¹ *Human-Animal Bond*, American Veterinary Medical Association, avma.org.

These principles have been recognized by the United States Congress as a matter of Public Policy:

The US Animal Welfare Act (P.L. 89-544, 8/24/66) was enacted (i) to insure that animals intended for use in research facilities, or for exhibition purposes, or for use as pets, are provided humane care and treatment; (ii) to assure the humane treatment of animals during transportation in commerce; and (iii) to protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen. (7 U.S. Code section 2131)

Perpetuating healthy populations of African and Asian elephants and the great apes in the wild, each of which is considered an endangered species, have been declared American national purposes. (16 U.S. Code sections 4201, 4262, 6301 and 1531, et. seq.) Important Congressional findings are that the Asian elephant and the great apes are each “flagship species for the conservation of tropical forest habitats in which they are found” and each provides benefits to numerous other species of wildlife including many other endangered species. (16 U.S. Code section 4261(4) and 6301(4))

Congress has also declared that “wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.” This is based on Congress’ finding that “wild-free roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene.” (16 U.S. Code section 1331)

Congress has made similar findings about marine mammals. For example, “marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of Congress that they should be protected and encouraged to develop to the greatest extent feasible commensurate with sound policies of resource management, and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem.” (16 U.S. Code section 1361)

Whales have also received the same particular attention of Congress. “[W]hales are a unique resource of great aesthetic and scientific interest to mankind and are a vital part of the marine ecosystem;” “...the United States has extended its authority and responsibility to conserve and protect all marine mammals, including whales, out to a two hundred nautical mile limit”; “the conservation and protection of certain species of whales, including the California gray, bowhead, sperm, and killer whale, are of particular interest to citizens of the United States;” (16 U.S. Code section 917)

Regarding endangered animals, Congress has declared that the purposes of the Endangered Species Act (P.L. 93-205, 12/28/73) “...are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes” of the specified fish, wildlife and plant related treaties and conventions. (16 U.S. Code section 1531)

Congress has also recognized the value added by the private sector to fish and wildlife conservation, and has found that “[a] program that encourages partnerships among Federal and State governments and private entities to carry out wildlife conservation and appreciation projects, would benefit all species of fish and wildlife through such activities as management, research and interagency coordination.” (16 U.S. Code section 3741) In addition, there are numerous statutes, treaties and conventions - Federal as well as State - calling for the care and protection of animals.

The Irving and Phyllis Millstein Foundation is committed to a policy of responsibility for the care and well-being of animals, whether within the United States or beyond its borders, and whether in the wild, in captivity, on farms, or living as domesticated pets.

Social and Legal Responsibility for Animal Welfare

The Irving and Phyllis Millstein Foundation is likewise committed to addressing the growing public awareness, - and understanding - that many animal species have an emotional life, and are capable of deep feeling, of thinking, and communicating, and that appropriate care and attention must be provided to such sentient beings.

This awareness was addressed in a judicial proceeding in the State of New York, involving whether a chimpanzee possessed the same right of habeas corpus as a human, wherein a Judge of the New York State Court of Appeals expressed the following:

“Does an intelligent nonhuman animal who thinks and plans and appreciates life as human beings do have the right to the protection of the law against arbitrary cruelties and enforced detentions visited on him or her? This is not merely a definitional question, but a deep dilemma of ethics and policy that demands our attention. To treat a chimpanzee as if he or she had no right to liberty protected by habeas corpus is to regard the chimpanzee as entirely lacking independent worth, as a mere resource for human use, a thing the value of which consists exclusively in its usefulness to others. Instead, we should consider whether a chimpanzee is an individual with inherent value who has the right to be treated with respect.”²

Similarly, in a claim against the Los Angeles Zoo for failure to properly treat Asian elephants, the Court found that **“Captivity is a terrible existence for any intelligent, self-aware species, which the undisputed evidence shows elephants are.”³**

The Los Angeles Superior Court found that the zoo was not providing the elephants with proper care and attention, and that:

- 1) The quality of the elephants’ lives was not good, and that there were serious repercussions for their physical and emotional well-being;**

² *In the Matter of Nonhuman Rights Project, Inc., on Behalf of Tommy, Appellant, v. Patrick C. Lavery, et al., Respondents*, 31 N.Y.3d 1054 (N.Y. 2018).

³ Quoting Judge John Segal, *Aaron Leider, et al v. John Lewis, et al*, Case No. BC375234 8, Superior Court of California, County of Los Angeles. July 23, 2012.

- 2) the elephants were emotionally and socially deprived;
- 3) the elephant exhibit was neither a happy place for elephants, nor for visiting members of the public who recognized that the elephants were not thriving, happy or content; and
- 4) life for the elephants was empty, purposeless, boring, and occasionally painful. Their lives were supervised, managed and controlled by zoo employees who appeared to be in the dark about normal and abnormal behavior of elephants, in denial about the physical and emotional difficulties of the elephants under their supervision, and under the misconception that the elephants preferred to live with human companions rather than with other elephants.

These judicial expressions of concern, and their criticism of long standing treatments of animals, are evidence of a growing social awareness of the interdependence of the human and animal worlds, and of the continuing need to address them with care.

An Animal Centered Social Philanthropy

The blending and interdependence of the animal and human worlds is evident in the historic inter-relationship of owners and their animal companions. Whether found in the remains of ancient civilizations, noted in the history of early western American states, seen in long-existing rural villages, or addressed in American law - one is constantly reminded of the remarkable devotion and inter-dependence humans and their animal companions have had with each other.

American laws and the decisions of high American courts confirm both a public policy and a social necessity of preserving and encouraging the human–animal bond. As animal care and human needs are thus wedded, they are the subjects of the Irving and Phyllis Millstein Foundation’s animal centered philanthropic efforts.

Foundation Aims

The Irving and Phyllis Millstein Foundation is devoted to the conservation and protection of the environment, to the need for the care and protection of animals, and to the help that may need to be provided to their owners. The Foundation will continue its support of charitable organizations and governmental entities whose leadership can be effective in accomplishing its mission of both promoting animal welfare and of addressing companion issues of social welfare. The Irving and Phyllis Millstein Foundation will also join with organizations and entities to support the care, protection and preservation of animal species; the protection of the environment; and the well-being of animal owners in need.

THE IRVING AND PHYLLIS MILLSTEIN FOUNDATION FOR ANIMAL WELFARE LTD.

AN ANIMAL CENTERED SOCIAL PHILANTHROPY®

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